

1 KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - # 84065  
2 BRIAN L. FERRALL - # 160847  
DAVID SILBERT - # 173128  
3 MICHAEL S. KWUN - #198945  
633 Battery Street  
4 San Francisco, CA 94111-1809  
Telephone: (415) 391-5400  
5 Email: rvannest@kvn.com;  
bferrall@kvn.com; dsilbert@kvn.com;  
6 mkwun@kvn.com, aramani@kvn.com

SUSAN CREIGHTON, SBN 135528  
SCOTT A. SHER, SBN 190053  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
1700 K Street NW, Fifth Floor  
Washington, D.C., 20006-3817  
Telephone: (202) 973-8800  
Email: screighton@wsgr.com;  
ssher@wsgr.com

7  
8 JONATHAN M. JACOBSON, NY SBN 1350495  
CHUL PAK (*pro hac vice*)  
DAVID H. REICHENBERG (*pro hac vice*)  
9 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
10 1301 Avenue Of The Americas, 40th Floor  
New York, NY 10019-6022  
11 Telephone: (212) 999-5800  
Email: jjacobson@wsgr.com; cpak@wsgr.com;  
12 dreichenberg@wsgr.com

13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF RYAN WONG IN  
SUPPORT OF PLAINTIFF CISCO  
SYSTEMS, INC.'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL (ECF  
NO. 371)**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, Ryan Wong, declare:

2 1. I am an attorney licensed to practice law in the State of California and am an  
3 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street,  
4 San Francisco, California 94111, counsel for Defendant Arista Networks, Inc. (“Arista”) in the  
5 above-referenced action. Unless otherwise stated, the facts I set forth in this declaration are based  
6 on my personal knowledge or knowledge I obtained through my review of corporate records or  
7 other investigation. If called to testify as a witness, I could and would testify competently to such  
8 facts under oath.

9 2. I submit this declaration in support of the Administrative Motion to File Under  
10 Seal Confidential Information in Cisco’s Opposition to Arista’s Motion for Partial Summary  
11 Judgment (Dkt. No. 371). I provide this declaration under Civil Local Rules 79-5(d)(1)(A) and  
12 79-5(e)(1) to explain the reasons why information and documents attached to Cisco’s Opposition  
13 to Arista’s Motion for Partial Summary Judgment that Arista designated as “Confidential” or  
14 “Highly Confidential” should be sealed.

15 3. I understand that materials submitted with dispositive motions may be sealed if  
16 there are “compelling reasons supported by specific factual findings that outweigh the general  
17 history of access and the public policies favoring disclosure.” *Kamakana v. City & Cnty. of*  
18 *Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). I also understand that such compelling  
19 reasons may exist when, for example, court filings could be used for improper purposes, such as  
20 “to gratify private spite, promote public scandal, circulate libelous statements, or release trade  
21 secrets.” *Id.* (citation omitted). I further understand that compelling reasons may exist where  
22 court filings contain or discuss confidential source code, *see Apple, Inc. v. Samsung Electronics*  
23 *Co., Ltd.*, No. 11-cv-1846, D.I. 2190 at \*3 (Dec. 10, 2012); internal and non-public procedures of  
24 financial institutions, *see Cowan v. GE Capital Retail Bank*, No. 13-cv-03935-BLF, 2015 WL  
25 1324848, at \*1-3 (N.D. Cal. Mar. 24, 2015); information about an entity’s confidential “business  
26 performance, structure, and finances that could be used to gain unfair business advantage against  
27 them,” *Schwartz v. Cook*, No. 15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4,  
28 2016); “highly sensitive information regarding [an entity’s confidential] product architecture and

development,” *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014); emails containing confidential information about an entity’s “business practices, recruitment efforts, and discussions regarding potential partnerships with other product manufacturers,” *see Koninklijke Philips N.V. v. Elec-Tech International Co., Ltd.*, No. 14-cv-02737-BLF, 2015 WL 581574, at \*1-2 (N.D. Cal. Deb. 10, 2015); and “information regarding non-public recruitment efforts and business practices” of a party. *See id.* at \*2-3.

4. I address below the documents attached to Cisco’s Opposition to Arista’s Motion for Partial Summary Judgment that purportedly contain Arista confidential information. Where appropriate, I state where and why compelling reasons exist to seal those documents, or portions thereof.

5. Exhibit 1 to the Declaration of John M. Neukom in Support of Cisco’s Opposition to Arista’s Motion for Partial Summary Judgment (“Neukom Declaration”) consists of excerpts from the March 17, 2016 deposition testimony of Arista employee Anshul Sadana. Pages 134 through 139 of this exhibit do not contain Arista confidential information, and Arista does not seek to file those pages of this exhibit under seal. However, the excerpted testimony from Page 235, line 1 through Page 236, line 3 discusses a confidential, non-public internal communication between Arista support engineers regarding the Company’s customer support and documentation policies and priorities, and Page 237 discusses non-public information regarding Arista’s technical support system and a discloses a particular “bug” submission in that internal system (Page 237). None of the excerpted testimony on Pages 235 and 237 is cited by Cisco in its motion, and therefore such testimony is irrelevant to Cisco’s briefing. There are compelling reasons to seal the testimony on Page 235, line 1 through Page 236, line 3, and on Page 237 because it discloses highly confidential and sensitive information about Arista’s business practices with respect to customer support and documentation, as well as non-pubic technical support issues relating to product development. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. The proposed redactions are also narrowly tailored because Arista does not seek to file under seal the cited/highlighted testimony on Page 236, lines 4 to 14, or pages 134 through 139 of this exhibit.

6. Exhibit 2 to the Neukom Declaration is an internal Arista email dated June 20, 2012 between Arista engineers, and includes additional emails as part of an email chain. There are compelling reasons to seal this exhibit in its entirety because these emails specifically discuss several prospective customers' use of particular networking equipment makes and models (and identify those non-parties by name), those customers' preferences regarding the features on their equipment, and the investments made by those customers on those features. The email chain also discloses Arista's internal strategies regarding its sales efforts directed towards those clients, and confidential product development/roadmap information about Arista's products. Arista maintains all of this information, including details regarding the technical infrastructure of prospective customers' networks, as highly confidential. There are compelling reasons to seal the email chain in its entirety because Arista's product roadmap information, the preferences and technical inner workings of Arista's prospective customers, and Arista's competitive sales strategies and efforts is both sensitive and non-public, and is the type of information that would cause substantial harm to Arista if disclosed publicly to (and is subsequently used by) Arista's competitors. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.

7. Exhibit 3 to the Neukom Declaration is an internal Arista email dated January 21, 2014 between Arista employees, and includes the attachments to that email. The email itself (ARISTANDCA12228912) does not need to be sealed, but there are compelling reasons to seal the attachments to the email (ARISTANDCA12228913 to ARISTANDCA12228928) because they disclose Arista's highly confidential customer sales/solicitation scripts, including specific responses that Arista sales personnel will provide to particular sales/solicitation scenarios, and Arista's sales strategies for particular types of customers. These scripts, if disclosed publicly, could be used immediately by Arista's competitors to compete with Arista, and is the type of sensitive strategic information based on Arista's competitive intelligence gathering that should be kept under seal. There are therefore compelling reasons to seal the attachments to the email in their entirety. *See Koninklijke Philips*, 2015 WL 581574, at \*1-2.

8. Exhibit 4 to the Neukom Declaration is an internal Arista email dated July 13, 2009 between Arista executives, and includes a chain of emails that includes highly confidential

1 communications with a networking equipment testing contractor. There are compelling reasons  
2 to seal the entire exhibit because the email chain discusses and reveals the detailed results of  
3 private and comprehensive testing of Arista networking products. That information is highly  
4 confidential to Arista as part of its product development and testing process, and the exhibit  
5 includes discussions by Arista executives regarding the results and their implications for further  
6 product development. The entire exhibit should be sealed because Arista's product testing and  
7 development process and the interim results of that process are maintained by Arista as highly  
8 confidential, and this is the type of sensitive technical product information that would cause  
9 competitive harm to Arista if disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2.

10 9. Exhibit 36 to the Neukom Declaration is an Arista internal document ("AID") that  
11 reveals highly confidential and sensitive design and development information regarding Arista's  
12 products. There are compelling reasons to seal the entire exhibit because it sets forth in detail the  
13 strategic and technical roadmap, including policies, justifications, and approaches for the design,  
14 development, and architecture of Arista's networking devices. This includes highly confidential  
15 strategies for improving Arista's products over competing products, and comments about various  
16 design decisions and their advantages. Such non-public and highly sensitive information about  
17 the design and development of Arista's products and the competitive reasons underlying Arista's  
18 development decisions is the type of information that, if publicly disclosed, could be used by  
19 competitors to harm Arista. *See Delphix*, 2014 WL 4145520, at \*2 (finding compelling reasons  
20 to seal "highly sensitive information regarding [an entity's confidential] product architecture and  
21 development[.]").

22 10. Exhibit 37 to the Neukom Declaration is an internal Arista email chain between  
23 Arista engineers with both constituent emails dated April 18, 2011. The email chain discusses the  
24 development of specific functionality in Arista's products and the internal strategic decision-  
25 making behind Arista's development of that product. There are compelling reasons to seal the  
26 entire exhibit because the email chain reveals the various design considerations underlying the  
27 development of a feature in Arista's products, and Arista maintains its product development  
28 process (including why certain engineering decisions were made) as highly confidential. The

1 entire exhibit should be sealed because this is the type of information regarding Arista's internal  
2 product design and development process that would cause competitive harm to Arista if disclosed  
3 publicly. *See Delphix*, 2014 WL 4145520, at \*2.

4 11. Exhibit 46 to the Neukom Declaration is a copy of Cisco's Supplemental  
5 Objections and Responses to Defendant Arista Networks, Inc.'s Interrogatory Nos. 2–10. The  
6 only portion of this exhibit that Arista seeks to seal is on page 16, lines 2 through 26, which  
7 provides Cisco's observations based upon its review of Arista's source code. This portion of the  
8 exhibit is not cited by or discussed in Cisco's opposition brief, and should be sealed given the  
9 discussion of how Arista's source code is structured. *See Apple*, No. 11-cv-1846, D.I. 2190 at \*3  
10 (there are compelling reasons to seal court filings that contain or discuss confidential source  
11 code). Arista does not seek to seal any other portions of this exhibit.

12 12. Exhibit 51 to the Neukom Declaration consists of excerpts from the January 29,  
13 2016 deposition testimony of Arista employee Adam Sweeney. Arista does not seek to file pages  
14 175 and 176 of this exhibit under seal, or the testimony on Page 217 from lines 1 through 20. The  
15 only portion of this exhibit that Arista seeks to file under seal is Page 217, lines 21 through 25,  
16 because it refers to testimony regarding the design and development of a specifically identified  
17 feature of Arista's products, and Arista maintains that information about its specific design  
18 decisions as highly confidential. There are compelling reasons to seal those five lines of this  
19 exhibit because they contain sensitive feature-specific details regarding Arista's internal product  
20 design and development process. *See Delphix*, 2014 WL 4145520, at \*2 (finding compelling  
21 reasons to seal "highly sensitive information regarding [an entity's confidential] product  
22 architecture and development[.]").

23 13. Exhibit 52 to the Neukom Declaration consists of excerpts from the January 21,  
24 2016 deposition testimony of Arista employee Lincoln Dale. Arista does not seek to file this  
25 exhibit under seal.

26 14. Exhibit 53 to the Neukom Declaration consists of excerpts from the June 21, 2016  
27 deposition testimony of Dr. Kevin Jeffay, who Cisco retained as an expert in this litigation.  
28 Arista does not seek to file this exhibit under seal.

1           15. Exhibit 1 to the Declaration of Kevin Almeroth in Support of Cisco's Opposition  
 2 to Arista's Motion for Partial Summary Judgment ("Almeroth Declaration") is a copy of Dr.  
 3 Almeroth's Opening Expert Report. There are compelling reasons to seal the following portions  
 4 of this exhibit:

- 5           • Last two lines of page 29 and the first two lines of page 30 disclose the contents of  
 6 an internal and confidential Arista design document that pertains to the  
 7 development of its products. There are compelling reasons to seal highly sensitive  
 8 information regarding Arista's product architecture and development. *See*  
 9 *Delphix*, 2014 WL 4145520, at \*2.
- 10          • The highlighted portions of Paragraph 78 on page 31 disclose the substance of, and  
 11 quote directly from, confidential customer communications by Arista relating to  
 12 product support and both product and documentation development. There are  
 13 compelling reasons to seal highly sensitive information regarding Arista's product  
 14 architecture and development, as well as its confidential business practices  
 15 regarding customer support and documentation. *See Delphix*, 2014 WL 4145520,  
 16 at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- 17          • The highlighted portions of Paragraph 79 on pages 31 and 32 disclose the  
 18 substance of, and quote directly from, confidential internal communications by  
 19 Arista relating to product support and documentation development. There are  
 20 compelling reasons to seal highly sensitive information about its confidential  
 21 business practices regarding customer support and documentation. *See*  
 22 *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- 23          • A portion of the reproduced testimony from the deposition of Arista employee  
 24 Kenneth Duda on page 49 of this exhibit—specifically, the testimony from 150:24  
 25 through 151:8 of the cited deposition transcript—should be sealed because it  
 26 discusses confidential information regarding networking equipment used by  
 27 Arista's customers. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*,  
 28 2015 WL 581574, at \*1-2.



- 1           • The highlighted portions of Paragraph 118 on page 56 disclose internal and

2           confidential Arista communications regarding feature-specific product

3           development decisions and customer support communications relating to Arista

4           products. There are compelling reasons to seal highly sensitive information about

5           Arista's product development decisions and confidential business practices

6           regarding customer support. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke*

7           *Philips*, 2015 WL 581574, at \*1-2.
- 8           • Paragraphs 138 and 142, including the excerpted deposition transcripts and images

9           taken from highly confidential Arista documents that are a part of those

10          paragraphs, should be sealed in their entirety because they discuss and reveal

11          multiple details regarding Arista's non-public, internal competitive testing and

12          analysis procedures underlying Arista's product design and development. Such

13          competitive intelligence and product development information is meets the

14          compelling-reasons standard for sealing. *See Delphix*, 2014 WL 4145520, at \*2;

15          *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- 16          • The highlighted portions of Paragraphs 147 and 148, including each of the bullet

17          points on pages 71 through 77 (which are part of Paragraph 148), should be sealed

18          because they discuss the design and development of specific features of Arista's

19          products, and Arista maintains that information about its specific design decisions

20          as highly confidential. Paragraph 147 discusses testimony from Arista witnesses

21          regarding details about Arista's internal and confidential product development

22          process and strategies. Paragraph 148 and each of the bullet points within it are

23          specifically directed at internal Arista emails and presentations regarding product

24          architecture and development, and the bullet points discuss non-public

25          development strategies for specific aspects of the Arista product. There are

26          compelling reasons to seal sensitive feature-specific details regarding Arista's

27          internal product design and development process. *See Delphix*, 2014 WL

28          4145520, at \*2.



- 1           • Footnote 102 should be sealed because it quotes testimony from an Arista engineer  
2           regarding the design and development of a specifically identified feature of  
3           Arista's products. Similarly, Footnote 118 should be sealed because it quotes  
4           testimony from a highly confidential internal Arista communication that discusses  
5           the design and development of a specifically identified feature of Arista's  
6           products. Arista maintains such product-development information about its design  
7           decisions as highly confidential. There are compelling reasons to seal sensitive  
8           feature-specific details regarding Arista's internal product design and development  
9           process. *See Delphix*, 2014 WL 4145520, at \*2.
- 10          • Paragraphs 149 through 151, including the excerpted graphics in Paragraphs 150  
11          and 151, should be sealed because they discuss the results of a highly confidential  
12          product comparison analysis conducted by Arista. There are compelling reasons  
13          to seal this information because these paragraphs (and the excerpted images)  
14          reveal the detailed results of these internal tests, and Arista's competitive sales  
15          strategies regarding those results. That information is highly confidential to Arista  
16          as part of its product development and testing process, as well as its sales and  
17          marketing strategies. This is the type of sensitive technical product information  
18          and competitive intelligence that would cause competitive harm to Arista if  
19          disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*,  
20          2015 WL 581574, at \*1-2.
- 21          • Paragraph 152 and the excerpted images within it (which extend to the top of page  
22          80) should be sealed because they reveal the results of a highly confidential  
23          competitive analysis performed by Arista regarding the preferences of its  
24          customers, and also discuss particular tracking documents that are part of Arista's  
25          internal development and design process. That information is highly confidential  
26          to Arista, and is the type of sensitive product development information and  
27          competitive/customer intelligence that would cause competitive harm to Arista if  
28

disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.

- The images shown in Paragraphs 170 and 171 should be sealed because they reveal confidential information about the development of certain accused features of Arista's products (image in Paragraph 170, at the top of page 89), and about Arista's source code (image in Paragraph 171, at the top of page 90). *See Delphix*, 2014 WL 4145520, at \*2; *see Apple*, No. 11-cv-1846, D.I. 2190 at \*3. Arista does not seek to seal the more general discussion of those images within those two paragraphs.
- The excerpted deposition testimony of Adam Sweeney in Paragraph 195 and 196 (which extends from the bottom of page 103 to the top of page 104) should be sealed because it discusses the non-public details of a particular technical support request for an Arista product, and Arista's internal process for resolving the request. Such details regarding the internal business processes for responding to specific technical support requests should remain under seal. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not seek to seal Cisco's broader characterization of that testimony in Paragraph 195.
- The highlighted portion of Paragraph 203 should be sealed because it discusses highly confidential information and cites from an internal, non-public Arista document regarding the development of a particular aspect of the Arista product. Such sensitive details regarding the development of Arista's products should remain under seal. *See Delphix*, 2014 WL 4145520, at \*2.
- The highlighted portions of Paragraphs 219 and 220, and the excerpted images within Paragraph 219 (which extend from pages 113 to 115) should be sealed because they reveal (and excerpt) highly confidential sales materials created by Arista for a non-public presentation to a particular prospective customer, and therefore reveal Arista's internal competitive sales strategies. This information is

highly confidential to Arista, and is the type of sensitive competitive materials that would cause competitive harm to Arista if disclosed publicly. *See Koninklijke Philips*, 2015 WL 581574, at \*1-2.

- The following portions of Paragraph 237 should be sealed: (1) The excerpted deposition testimony of Arista employee Kenneth Duda from page 145, line 14 to page 146, line 20 of the transcript excerpt. That portion of the excerpted Duda deposition transcript discusses Arista's internal customer intelligence regarding customer preferences in particular market segments, and the benefits of certain development approaches taken by Arista vis-à-vis that intelligence. (2) The entire excerpted deposition testimony of Arista employee Anshul Sadana. The excerpted Sadana deposition transcript discusses Arista's internal customer intelligence regarding customer preferences, and the benefits of certain development approaches taken by Arista vis-à-vis that intelligence. Those portions of Paragraph 237 should be sealed. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- The following portions of Paragraph 238 should be sealed: The excerpted deposition testimony of Arista employee Kenneth Duda from page 176, line 14 to page 177, line 8 of the transcript should be sealed because it discusses confidential information regarding networking equipment used by Arista's customers. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- The bullet points in Paragraph 240 should be sealed because they quote from highly confidential internal Arista development documents that discuss the strategic decisions underlying the development and architecture of Arista products. Such sensitive information should remain under seal. *See Delphix*, 2014 WL 4145520, at \*2. Arista does not seek to seal Cisco's broad characterization of those bullet points, which appears above the bullet points in Paragraph 240.
- Paragraph 241 should be sealed because it reveals internal and highly sensitive customer intelligence about the usage of particular features in Arista's products by

its customers, which could be used by competitors for purposes of developing features on their own products. *See Koninklijke Philips*, 2015 WL 581574, at \*1-2.

- The sentence in Paragraph 250 that starts with “For example, ....” should be sealed because it quote from highly confidential internal Arista development document discussing the strategic decisions underlying the development and architecture of Arista products. Such sensitive information should remain under seal. *See Delphix*, 2014 WL 4145520, at \*2.

16. Exhibit 2 to the Almeroth Declaration is a copy of Dr. Almeroth’s Rebuttal Expert Report. There are compelling reasons to seal the following portions of this exhibit:

- Footnote 106 on Page 60, which reproduces testimony from the Rule 30(b)(6) deposition of Arista employee Anshul Sadana, should be sealed because it reveals non-public and highly confidential information about the impact of specific features in Arista’s products on Arista’s sales cycles. There are compelling reasons to seal this information as it relates both to internal product development as well as sensitive competitive information regarding customer preferences, what product features may or may not impact sales. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- The highlighted text in Paragraph 138, sub-sections (a), (c), (d), (e), (g), (h), (i), (j) are excerpts from highly confidential internal Arista documents and communications that discuss internal design and development decisions and strategic reasons regarding specific aspects of Arista’s products. Given the sensitivity of Arista’s confidential product design and development decision-making processes, those portions of Paragraph 138 should be sealed. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not seek to file the remaining portions of Paragraph 138 under seal.
- The quoted text pulls in Paragraph 143 are excerpts from highly confidential internal Arista documents and communications that discuss internal design and

development decisions and strategic reasons regarding specific aspects of Arista's products. Given the sensitivity of Arista's confidential product design and development decision-making processes, those portions of Paragraph 143 should be sealed. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not seek to seal the first sentence of Paragraph 143, which broadly characterizes the text pulls.

- Paragraph 144, including the excerpted image, should be sealed in its entirety because it discusses the results of a highly confidential product comparison analysis conducted by Arista. There are compelling reasons to seal this information because these paragraphs (and the excerpted image) reveal the detailed results of these internal tests, and Arista's competitive sales strategies and conclusions regarding those results. That information is highly confidential to Arista as part of its product development and testing process, as well as its sales and marketing strategies. This is the type of sensitive technical product information and competitive intelligence that would cause competitive harm to Arista if disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.
- The quoted text pull in Paragraph 146 is an excerpt from a highly confidential internal Arista document that discusses internal design and development decisions and strategic reasons regarding specific aspects of Arista's products. Given the sensitivity of Arista's confidential product design and development decision-making processes, that portion of Paragraph 146 should be sealed. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not seek to seal the remainder of 146, including Cisco's characterization of the text pull.
- In Paragraph 147, the second sentence (starting with "In 2010 ...") through to the sentence that starts with "Arista's CEO ..." should be sealed because they discuss and excerpt material from internal Arista communications that reveal Arista's

1 strategic decision-making regarding customer preferences/complaints and the  
 2 development of user documentation. Given the sensitivity of this internal  
 3 information about Arista's customers and its documentation strategies, those  
 4 portions of Paragraph 147 should be sealed. *See Delphix*, 2014 WL 4145520, at  
 5 \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not seek to seal the  
 6 remaining portions of Paragraph 147.

- 7 • The bullet points in Paragraph 149 should be sealed because they quote directly  
 8 from internal Arista documents and communications that reveal customer  
 9 intelligence regarding customer preferences, the benefits that customers receive  
 10 from particular aspects of Arista's products, and Arista's sales and marketing  
 11 strategies with respect to those preferences and benefits. This type of internal  
 12 strategic competitive information should be sealed. *See Delphix*, 2014 WL  
 13 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2. Arista does not  
 14 seek to seal the first sentence of Paragraph 149, which broadly characterizes the  
 15 bullet points.
- 16 • Paragraph 154 and footnote 168 should be sealed in their entirety because they  
 17 reveal highly confidential information regarding the development and features of  
 18 future releases of Arista's products. There are compelling reasons to seal sensitive  
 19 information about unreleased Arista products. *See Delphix*, 2014 WL 4145520, at  
 20 \*2.
- 21 • Paragraph 160 should be sealed in its entirety because it discusses the same highly  
 22 confidential comparative study between Arista's products and competing products  
 23 that is discussed in Paragraph 144 of this same exhibit (which Arista also seeks to  
 24 seal), and Arista's conclusions and strategic use of that internal research. It also  
 25 discloses Arista's sensitive competitive sales strategies with respect to  
 26 communications to prospective customers regarding product differentiation. There  
 27 are compelling reasons to seal this type of competitive intelligence, including  
 28 Arista's business strategies. *See Koninklijke Philips*, 2015 WL 581574, at \*1-2.

1           17. Exhibit 1 to the Declaration of Kevin Jeffay in Support of Cisco's Opposition to  
 2 Arista's Motion for Partial Summary Judgment ("Jeffay Declaration") is a copy of Dr. Jeffay's  
 3 Opening Expert Report. There are compelling reasons to seal the following portions of this  
 4 exhibit:

- 5           • Footnote 3 of this exhibit should be sealed in its entirety because it reveals highly  
 6 confidential information, and includes excerpts from the deposition testimony of  
 7 an Arista engineer, regarding sensitive and non-public aspects of the source code  
 8 underlying Arista's products. *See Apple*, No. 11-cv-1846, D.I. 2190 at \*3.
- 9           • Paragraph 80 of this exhibit should be sealed in its entirety because it reveals  
 10 highly confidential information regarding non-public and sensitive source code  
 11 underlying Arista's products. *See Apple*, No. 11-cv-1846, D.I. 2190 at \*3.
- 12          • The excerpted deposition testimony of Arista employee Adam Sweeney in  
 13 Paragraphs 126 and 127 should be redacted because they discuss in detail the  
 14 internal operation of Arista's products, non-public information regarding the  
 15 development of those features, and the benefits of those features. Such testimony  
 16 about internal product development and architecture decisions and strategy should  
 17 be sealed. *See Delphix*, 2014 WL 4145520, at \*2. Arista does not seek to seal  
 18 Cisco's broader characterization of Mr. Sweeney's testimony.

19           18. There are compelling reasons to seal the following highlighted portions of Cisco's  
 20 Opposition to Arista's Motion for Partial Summary Judgment:

- 21          • Page 2, lines 4–6 (the parenthetical for the citation to Exh. 2 to the Neukom  
 22 Declaration) of the Opposition should be sealed for the same reasons stated above  
 23 in paragraph 6 of this declaration, which explains the compelling reasons why  
 24 Exhibit 2 to the Neukom Declaration should be sealed.
- 25          • Page 2, lines 6–7 (the parenthetical for the citation to Exh. 3 to the Neukom  
 26 Declaration) of the Opposition should be sealed for the same reasons stated above  
 27 in paragraph 7 of this declaration, which explains the compelling reasons why  
 28 Exhibit 3 to the Neukom Declaration should be sealed.

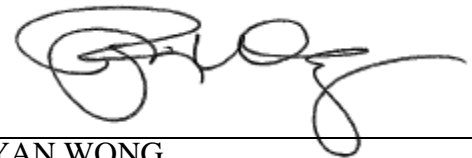


- Page 2, lines 8–9 (the parenthetical for the citation to Exh. 4 to the Neukom Declaration) of the Opposition should be sealed for the same reasons stated above in paragraph 8 of this declaration, which explains the compelling reasons why Exhibit 4 to the Neukom Declaration should be sealed.
- Page 11, lines 13–15 (the parenthetical for the citation to Exh. 36 to the Neukom Declaration) of the Opposition should be sealed for the same reasons stated above in paragraph 9 of this declaration, which explains the compelling reasons why Exhibit 36 to the Neukom Declaration should be sealed.
- Page 11, lines 15–17 (the parenthetical for the citation to Exh. 37 to the Neukom Declaration) of the Opposition should be sealed for the same reasons stated above in paragraph 10 of this declaration, which explains the compelling reasons why Exhibit 37 to the Neukom Declaration should be sealed.

Arista does not seek to file under seal any other highlighted portions of Cisco's Opposition.

Executed July 22, 2016, at San Francisco, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



RYAN WONG